

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOSEPH PETERS

Plaintiff,

v.

**LIFE INSURANCE COMPANY OF NORTH
AMERICA,**

Defendant.

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Case No.: 08 C 1705

Judge Moran

DEFENDANT’S MOTION FOR EXTENSION OF TIME

Defendant, LIFE INSURANCE COMPANY OF NORTH AMERICA (“LINA”), by its undersigned counsel, and pursuant to Federal Rule 6, respectfully moves this Court for a 28 day extension of time, up to May 14, 2008, to answer or otherwise plead to the complaint:

1. On March 24, 2008, plaintiff Joseph Peters filed this suit against LINA seeking to recover long-term disability benefits under a group insurance policy that he contends falls outside of ERISA pursuant to the statute’s church plan exemption. 29 U.S.C. § 1002(33), § 1003(b). Plaintiff also seeks bad faith damages under the Illinois Insurance Code.

2. On March 27, 2008, plaintiff served on the Illinois Division of Insurance, as LINA’s agent for service of process, a copy of the summons and complaint.

3. Sometime after March 27, 2008, LINA received the complaint and summons in the mail from the Division of Insurance. Under the Illinois Insurance Code, service became effective when LINA received the complaint and summons. 215 ILCS § 5/112(2). This motion is brought before the expiration of LINA’s time to respond to the complaint.

4. LINA respectfully requests a 28 day extension of time so that its counsel can prepare an appropriate response to the complaint, either in the form of a Rule 12 motion or an

answer. To prepare the response, LINA's counsel must obtain LINA's administrative record regarding the plaintiff's claim and analyze the complaint.

5. This extension is not requested for purposes of delay. It will not prejudice any party to the case.

WHEREFORE, Defendant, LIFE INSURANCE COMPANY OF NORTH AMERICA, respectfully requests that this Honorable Court grant it a 28 day extension, up to May 14, 2008, to answer or otherwise plead to the complaint.

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Respectfully submitted,

LIFE INSURANCE COMPANY OF
NORTH AMERICA

By: s/Peter E. Pederson
One of its attorneys